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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,796	06/27/2003	Mathias Bieringer	10191/3180	6870

26646 7590 05/16/2005

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,796

Applicant(s)

BIERINGER, MATHIAS

Examiner

Charles R. Kasenge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/17/03</u> <u>6/27/03</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernaden et al. U.S. Patent 6,219,590. Referring to claims 1, 15, and 17, Bernaden discloses a method for controlling an execution of a computer program having multitasking capability on a computing element of a controller at least one of controlling and regulating a system that is able to assume various possible system states (col. 2, lines 49-50), comprising: defining transition conditions for each possible transition of one of the system states into another of the system states (col. 2, lines 60-62); and controlling the execution of the computer program in such a way that the system is transitioned from a first system state into a second system state only when all of the transition conditions defined for the transition have been fulfilled (col. 2, lines 63-65).

Referring to claims 2-4, 18, and 19, Bernaden discloses the method according to claim 1, wherein the computing element is a microprocessor (col. 3, lines 64-67). Bernaden discloses the method as recited in claim 1, wherein each one of the transition conditions includes at least one transition interrogation and at least one corresponding transition value as a response given to the transition interrogation, the one of the transition conditions being regarded as having been fulfilled when the transition value is returned as the response to the transition interrogation (col. 5, lines 39-51). Bernaden discloses the method as recited in claim 3, further comprising: filing

the transition values in a transition table (col. 4, lines 5-23). Bernaden discloses the method as recited in claim 1, wherein the computer program is subdivided into a plurality of functionally linked functionalities, and wherein the method further comprises: allocating specifiable operating states to the functionalities for each of the system states, the transition conditions being satisfied if at least the functionalities which characterize the second system state have the operating states allocated to them for the second system state (col. 2, lines 60-65).

Referring to claims 6-9, Bernaden discloses the method as recited in claim 5, wherein each of the operating states is defined by an operating state variable which is able to take on various operating state values, and wherein the transition conditions are satisfied if at least the operating state variables of the functionalities which characterize the second system state have the operating state values defined for them for the second system state (col. 10, lines 3-13). Bernaden discloses the method as recited in claim 5, wherein the operating state variable is able to take on operating state values corresponding to the settings "full functionality", "limited functionality" and "no functionality" (col. 6 and 7, lines 61-67 and 1-27). Bernaden discloses the method as recited in claim 5, further comprising: assigning a transition table to each of the functionalities (col. 4, lines 5-23). Bernaden discloses the method as recited in claim 5, wherein a plurality of functionalities are combined into a component and a transition table is assigned to the component (col. 7, lines 19-24).

Referring to claims 10-12, Bernaden implicitly discloses the method as recited in claim 1, wherein the system is a system in a motor vehicle, wherein in the system is a driving dynamics system (col. 1, lines 7-10). Bernaden implicitly discloses this since HVAC systems are commonly known to be used in motor vehicles. Referring to claims 13 and 14, Bernaden

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discloses the method as recited in claim 1, wherein the system is a system in a building (col. 2, lines 39-51). Bernaden discloses the method as recited in claim 13, wherein the system is at least one of an alarm system (col. 8, lines 16-24), a heating and air conditioning system, and an access control system in the building (col. 2, lines 39-51).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK
May 13, 2005


Paul L. Rodriguez 5/16/05
Primary Examiner
Art Unit 2125